

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WELDON LUCAS,	:	
	:	
Petitioner,	:	
	:	
v.	:	CIVIL ACTION
	:	
SUPERINTENDENT CATHY	:	
TALMADGE, et al.,	:	No. 21-cv-00570-CFK
	:	
Respondents.	:	

ORDER

AND NOW this **4th** day of **January 2022**, upon careful and independent consideration of Petitioner Weldon Lucas's petition and amended petition for writ of habeas corpus and memorandum of law (Doc. Nos. 1, 11), the Commonwealth's response in opposition (Doc. No. 18), Petitioner's reply (Doc. No. 21) and the Report and Recommendation of U.S. Magistrate Judge Richard A. Lloret, it is **ORDERED** that:

1. The Report and Recommendation of Magistrate Judge Richard A. Lloret is **APPROVED** and **ADOPTED**;
2. Mr. Lucas's Petition for Writ of Habeas Corpus is **DENIED** and **DISMISSED** with prejudice by separate Judgment, filed contemporaneously with this Order. *See* Federal Rule of Civil Procedure 58(a); Rules Governing Section 2254 Cases in the United States District Courts, Rule 12;
3. No certificate of appealability shall issue under 28 U.S.C. § 2253(c)(1)(A) because "the applicant has [not] made a substantial showing of the denial of a constitutional right[,]" under 28 U.S.C. § 2253(c)(2), since he has not

- demonstrated that “reasonable jurists” would find my “assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, [529 U.S. 473, 484](#) (2000); see *United States v. Cepero*, [224 F.3d 256, 262-63](#) (3d Cir. 2000), *abrogated on other grounds by Gonzalez v. Thaler*, [565 U.S. 134](#) (2012); and,
4. The Clerk of Court shall mark this file closed.

BY THE COURT:

/s/ Chad F. Kenney

HON. CHAD F. KENNEY
United States District Judge